

REMARKS / ARGUMENTS

I. General Remarks and Disposition of the Claims.

Claims 1-90, 176-178, and 180-183, and 185 remain pending in this application. Claims 91-174 previously were withdrawn in response to a restriction requirement. Claims 175, 179, and 184 have been cancelled herein.

Claims 1, 3, 4, 10, 38, 39, 41, 42, 45, 46, 48, 49, 55, 57, 83, 84, 86, 87, 90, 176-178, 180-183, and 185 are currently amended herein.

New claims 186-212 have been added.

II. Rejection of Certain Claims Under 35 U.S.C. 102(b) as Anticipated By U.S. Patent No. 4,676,317 to Fry et al ("*Fry*").

Claims 1-8, 13-19, 23-25, 33-35, 39-44, 46-53, 58-64, 68-70, 78-80, and 84-89 stand rejected under 35 U.S.C. 102(b) as anticipated by *Fry*. Regarding these rejections, the Examiner has stated:

Fry et al. '317 discloses a method that includes cementing of a subterranean formation comprising the steps of: providing a cement composition comprising a hydraulic cement, water, and a fluid loss control additive, the fluid loss control additive comprising: an acrylamide copolymer derivative; an inorganic compound; and a hydratable polymer; placing the cement composition into the formation; and permitting the cement composition to set therein. With respect to further claims listed above, the reference teaches the fluid loss control additive comprising a graft polymer comprising a backbone comprising at least one member selected from the group consisting of lignin, lignite and their salts and a grafted pendant group comprising at least one member selected from the group consisting of 2-acrylamido-2-methylpropanesulfonic acid, acrylonitrile, N,N-dimethylacrylamide, acrylic acid, N,N-dialkylaminoethylmethacrylate wherein said alkyl radical comprises at least one member selected from the group consisting of methyl, ethyl and propyl radicals (col. 2, line 51 - col. 3, line 34); further comprising a hydratable polymer in the form of hydroxyethylcellulose or carboxymethylcellulose (table 1).

(Office Action, at 2-3.)

Applicants have amended independent claim 1 to recite the presence of an iron compound in the fluid loss control additive used in the claimed method. Applicants respectfully assert that *Fry* does not disclose the presence of an iron compound in the fluid loss control additive taught therein. To anticipate a claim under 35 U.S.C. §102(b), a reference must teach or suggest each and every limitation of the subject claim. MPEP § 2131. Because *Fry* does not teach the presence of an iron compound in the fluid loss control additive taught therein, it does not teach or suggest every element of Applicants' independent claim 1, as amended. Accordingly, Applicants respectfully request the removal of the rejection of amended independent claim 1, and claims 2, 5, 6, 7, 8, 13-19, 23-25, and 33-35 that depend either directly or indirectly from claim 1. Applicants further request the timely issuance of a Notice of Allowance for these claims.

Applicants similarly have amended independent claims 3, 4, 39, 41, 42, 46, 48, 49, 84, 86, and 87 to recite the presence of an iron compound in the fluid loss control additive used in the claimed method. As noted above, Applicants respectfully assert that *Fry* does not disclose the presence of an iron compound in the fluid loss control additive taught therein, and thus *Fry* does not teach or suggest every element of Applicants' independent claims 3, 4, 39, 41, 42, 46, 48, 49, 84, 86, and 87, as amended. Accordingly, Applicants respectfully request the removal of the rejection of amended independent claims 3, 4, 39, 41, 42, 46, 48, 49, 84, 86, and 87, and claims 40, 43, 44, 47, 50-53, 58-64, 68-70, 78-80, 85, and 88-89 that depend either directly or indirectly from various of independent claims 3, 4, 39, 41, 42, 46, 48, 49, 84, 86, and 87. Applicants further request the timely issuance of a Notice of Allowance for these claims.

III. Rejection of Claims 9 and 54 Under 35 U.S.C. § 103 As Obvious Over *Fry* In View of U.S. Patent No. 5,968,255 to Mehta et al. ("*Mehta*").

Claims 9 and 54 stand rejected under 35 U.S.C. § 103 as obvious over *Fry* in view of *Mehta*. The Examiner states that *Fry* discloses:

a method as stated above and including a dispersant.
However, the reference fails to teach the dispersant comprising a water-soluble polymer prepared as called for in the claims.

(Office Action, at 4). The Examiner further states that *Mehta* discloses:

a method that includes (col. 4, lines 34-41) the use of a condensation polymer product of acetone, formaldehyde and sodium sulfite as a dispersant in a fluid loss control additive (same trademark as the one in the instant application CFR-3TM) for the purpose of controlling the rheology of the cement slurry and stabilizing the cement slurry over a broad density range.

(Office Action, at 4-5.) The Examiner further asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the dispersant of *Mehta* in the composition of *Fry* to provide alternate dispersants having beneficial properties within the cement composition. (Office Action, at 5.)

As noted earlier, Applicants have amended independent claim 1 (from which claim 9 indirectly depends) and independent claim 46 (from which claim 54 indirectly depends) to recite the presence of an iron compound in the fluid loss control additive used in the claimed method. Applicants respectfully assert that *Fry* does not disclose the presence of an iron compound in the fluid loss control additive taught therein, and thus *Fry* does not teach or suggest every element of Applicants' independent claims 1 and 46, nor every element of dependent claims 9 and 54. Applicants further assert that the Examiner has not shown that *Mehta* teaches the iron compound required by claims 9 and 54.

To establish a *prima facie* case of obviousness, a prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP 706.02(j). Because neither *Fry* nor *Mehta* discloses an iron compound as required by Applicants' claims 9 and 54, Applicants respectfully assert that these references have not been shown to render the subject claims obvious. Applicants respectfully request withdrawal of the rejection under 35 U.S.C. 103 against claims 9 and 54, and further request the timely issuance of a Notice of Allowance for these claims.

IV. Rejection of Certain Claims Under 35 U.S.C. § 103 As Obvious Over *Fry* In View of WO/0041981 (hereinafter "WO '981").

The Examiner has rejected claims 10-12, 37, 38, 45, 55-57, 82, 83, and 90 under 35 U.S.C. § 103 as obvious over *Fry* in view of WO '981. Regarding *Fry*, the Examiner states:

Fry et al. '317 discloses a method as stated above and including a fluid loss additive. However, the reference fails to teach the fluid loss additive comprising a zeolite in the amount from 0.1-15% by weight of the fluid loss control additive as called for in the claims.

(Office Action, at 5.) The Examiner further states that WO '981 discloses:

a method that includes a fluid loss agent (see page 10, lines 4-18 and claims) comprising 0.1-1 wt% of zeolite for the purpose of stabilizing a cementitious composition by improving its flow properties.

(Office Action, at 5.) The Examiner further asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the zeolite of WO '981 in the composition of *Fry* to provide beneficial flow properties within the cement composition. (Office Action, at 5.)

Applicants have amended independent claim 10 (from which claims 11-12, and 37-38 depend, either directly or indirectly), independent claim 45, independent claim 55 (from which claims 56-57 and 82-83 depend, either directly or indirectly), and independent claim 90, to recite the presence of an iron compound in the fluid loss control additive used in the claimed method. Applicants respectfully assert that *Fry* does not disclose the presence of an iron compound in the fluid loss control additive taught therein, and thus *Fry* does not teach or suggest every element of Applicants' independent claims 10, 45, 55, and 90, nor every element of dependent claims 11-12, 37-38, 56-57, and 82-83. Applicants further assert that WO '981 does not teach the iron compound required by the subject claims.

To establish a *prima facie* case of obviousness, a prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP 706.02(j). Because neither *Fry* nor WO '981 discloses an iron compound as required by Applicants' claims 10-12, 37, 38, 45, 55-57, 82, 83, and 90, Applicants respectfully assert that these references have not been shown to render the subject claims obvious. Applicants respectfully request withdrawal of the rejection under 35 U.S.C. 103 against claims 10-12, 37, 38, 45, 55-57, 82, 83, and 90, and further request the timely issuance of a Notice of Allowance for these claims.

SUMMARY

In light of the above remarks and amendments, Applicants respectfully request reconsideration and withdrawal of the outstanding objections and rejections. Applicants further submit that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

CONCLUSION

Applicants have included check number 989074 in the amount of \$1,750 to cover the cost of the newly-added claims.

Applicants believe that there are no other fees due in association with this filing of this Amendment and Response. However, should the Commissioner deem that any fees are due, including any fees for extensions of time, Applicants respectfully request that the Commissioner accept this as a Petition Therefor, and direct that any additional fees be charged to Baker Botts L.L.P. Deposit Account No. 02-0383, (*formerly Baker & Botts, L.L.P.*) Order Number 063718.0152.

Respectfully submitted,

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